

Urban Agriculture Proposal: Meeting with Neighborhood Representatives

Summary

September 17, 2013

6:00 PM

County-City Public Works Building

201 N. Stone Ave., Basement Conference Room C

1. Welcome and Introductions

Attendees:

City Staff: Adam Smith (PDSO)

Neighborhood Representatives: Colette Altaffer, Ruth Beeker, Bill DuPont, Alice Roe, Diana Lett

Sustainable Code Committee Members: Merrill Eisenberg, Danielle Fidel

Others: Jaime de Zubeldia, Camille Kershner, Erin Nelson, Jordan Miller

2. Staff presentation of the Sustainable Code Project and the proposed Urban Agriculture text amendments

3. Discussion of the Proposed Urban Agriculture Text Amendments

The following is a summary of the questions, comments, issues, and suggested revisions to the proposal (**Note: Except as specifically noted, the following issues and proposed revisions reflect the opinions of the neighborhood representatives**):

Urban Farm

Issues/Comments:

- Clarify what an “urban farm” is given the size, scale, and types of activities (including use of machinery) permitted by the proposal.
- The pictures provided in the presentation do not accurately demonstrate what an urban farm could look like under the proposed standards. [Note: one of the Sustainable Code Committee members noted that farms of more substantive size will plant their crops in ground and not above ground as shown in the photos shown in the presentation.]
- For perspective purposes, Mission Gardens was given as another example of a site around 4 acres in size.

Proposed Revision:

Require every Urban Farm to be processed via the Zoning Examiner Special Exception Procedure since it requires notification to surrounding property owners and neighborhood associations and a public hearing with the Zoning Examiner.

Farmers' Markets

Issues/Comments:

- Through which process are farmers' markets permitted? Temporary use? Site plan? Other?
- How does the City propose to offset the tax lost from the sales that occur at these markets?...tax dollars that could go toward funding zoning enforcement. (Note: it was noted by one of the Sustainable Code Committee members that food is not taxed in the State whether it's purchased at the supermarket or farmers' market. Additionally, people will still have to go to the supermarket to purchase other taxed products that are not sold at a farmers' markets, such as toilet paper and cleaning supplies.)
- How and who will enforce the 20% cap on craft- and non-agricultural vendors? This is a problem since farmers' markets usually take place on the weekend when zoning enforcement officers are typically not working.
- Need to evaluate more closely where and to what extent farmers' markets are permitted in residential areas.

Proposed Revision:

Require Large Farmers' Markets to be processed via the Zoning Examiner Special Exception Procedure since it requires notification to surrounding property owners and neighborhood associations and a public hearing with the Zoning Examiner.

Keeping of Small Farm Animals

Issues/Comments/Question:

- Is the purpose of keeping small farm animals for human consumption or the proposal simply allow another type of pet? How are the animals processed once they outlive their laying/breeding age? What happens to the animals if they are not processed? [Note: one person commented that there are a lot of small farm-like animals at the Humane Society]
- The number of animals permitted needs to be re-evaluated. The formula used to calculate the number of animals permitted is overly complicated and difficult to enforce.
- Only including animals of laying or breeding age will be difficult to administer and enforce.
- The miniature goat standards are problematic and confusing considering dairy goats only give milk after giving birth, but the proposal prohibits bucks (males) of breeding age.
- Small farm animals will attract predators (e.g. coyotes, bobcats, javelina) to residential neighborhoods.

- Consult and get feedback from the Arizona Game and Fish about the proposal and its potential impact on residential areas.

Proposed Revisions:

- Small farm animals should only be permitted where people live and there is constant supervision. Consequently, small farm animals should not be permitted as an accessory use to community gardens and urban farms where the animals would not be under constant supervision. One Sustainable Code Committee member suggested revising the draft to require the animals to be tended to at least two times each day.
- Do not permit the setback requirements to be modified via written consent by the adjacent property owner. This is of particular concern in neighborhoods where there is a high rental rate and landlords may be more willing to sign-off on reduced setbacks.
- Prohibit small farm animals in the front yard.
- Simplify the number of animals permitted to include all animals on-site, regardless of whether they are of laying or breeding age.

Composting

Issues/Comments:

- Need to specify the required setback.
- Example provided where an oversaturated compost pile damaged a shared wall with a neighbor.

Proposed Revisions:

- Specify that a compost area cannot impact a neighbor's wall

Evaluating for Unintended Consequences – Issues/Comments:

Each aspect of the proposal needs to be thoroughly evaluated for any unintended consequences, because: 1) don't want to inadvertently permit something that can be incompatible in a residential area; 2) once a regulation giving permission to do something is put in place, it is difficult to remove. We do not want another mini-dorm-like situation where it is difficult, time consuming, and expensive to revise or get rid of; and, 3) introducing nonresidential uses into established residential areas, such as retail (which a farmers' market is) or intensive agriculture, can create nuisances to residents.

Enforcement – Issues/Comments:

How will the proposed standards be enforced effectively since many of the activities will occur on private property (many times on parts of the site not visible from the street) and zoning enforcement officers are not permitted to inspect without permission from the property owner. As it is now, residents are required to document when and how zoning violations occur and report that to the City.

Other Issues/Comments/Questions

- The proposal does not address the possibility of someone leasing homeowners' yards for farming purposes and the effects this could have on a neighborhood if numerous adjacent properties participate in this. This is of particular concern in neighborhoods where there are a lot of rental properties. Landlords may be willing to lease out their yards to generate additional income, particularly if they are not able to rent their dwellings.
- How will the neighborhood be informed if there is not a registered neighborhood association? (Note: there have been difficulties in the past for neighborhoods to get registered with the City)
- Can an accessory use be accessory to an accessory use?
- Need to ensure that any compatibility distance requirements are measured to the property line and not the residence itself triggering the setback requirement.

4. Next Steps

A task force comprised of members of the Sustainable Code Committee and neighborhood representatives will be formed to resolve the issues with the draft Urban Agriculture amendments. Those interested in serving on the task force were told to contact Adam Smith.

The meeting concluded at 7:50.